

SESSION

S.

1/19/75

IN THE SENATE OF THE UNITED STATES

Mr.

introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish a Standing Committee of the Senate on Intelligence Activities, and for other purposes.

(Insert title of bill here)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Oversight Act of 1976."

SEC. 2. It is the purpose of this Act to establish a new Standing Committee of the Senate to oversee and to make continuing studies of the intelligence activities and programs of the United States Government. In carrying out this purpose, the Committee on Intelligence Activities shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the Executive and Legislative Branches to make sound decisions affecting the security of the Nation. It is further the purpose of this Act to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 3. Sections 4 through 12 and Section 16 of this Act are

enacted --

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the Standing Rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the Constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

SEC. 4. Rule XXIV of the Standing Rules of the Senate is amended by adding at the end thereof a new paragraph as follows:

"3. (a) Five members of the Committee on Intelligence Activities shall be appointed by the Majority Leader of the Senate and four shall be appointed by the Minority Leader of the Senate.

"(b) No Senator may serve on the Committee on Intelligence Activities for more than six years, exclusive of service by any Senator on such committee during the ninety-fourth Congress. To the greatest extent practicable, the requirements of this section shall be met by selecting three new Senators to serve on the Committee at the beginning of the ninety-sixth Congress and each Congress thereafter.

"(c) At the beginning of each Congress, the members of the Committee on Intelligence Activities appointed by the Majority Leader shall select a chairman and the members of such committee appointed by the Minority Leader shall select a vice chairman. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman."

SEC. 5 (a) Paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new subparagraph:

"(s) Committee on Intelligence Activities, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

"(1) The Central Intelligence Agency and the Director of Central Intelligence.

"(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of Justice; the Department of State; and the Department of the Treasury.

"(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving national intelligence or domestic intelligence.

"(4) Authorizations for appropriations for the following:

"(A) The Central Intelligence Agency.

"(B) The Defense Intelligence Agency.

"(C) The National Security Agency.

"(D) The national intelligence activities carried out by the Department of Defense.

"(E) The intelligence activities of the Federal Bureau of Investigation.

"(F) The intelligence activities of any successor departments or agencies named in this subclause."

(b) Paragraph 3 of Rule XXV of the Standing Rules of the Senate is amended by inserting:

"Intelligence Activities ----- 9"
immediately below

"District of Columbia ----- 7".

(c) Paragraph 6 of Rule XXV of the Standing Rules of the Senate is amended by adding at the end there of the following new subparagraph:

"(i) For the purposes of this paragraph, service of a Senator as a member of the Committee on Intelligence Activities shall not be taken into account."

SEC. 6. The Committee on Intelligence Activities of the Senate, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or the appropriate additional committee or committees of the Senate any matters deemed by the Committee on Intelligence Activities to require the immediate attention of the Senate or an additional committee.

SEC. 7. (a) No member of the Committee on Intelligence Activities of the Senate and no member of the staff of such committee shall disclose outside such committee any information in the possession of or obtained by such committee relating to the activities of the Central Intelligence Agency or any other department or agency of the United States engaged in intelligence activities, or otherwise held in confidence by such committee, unless authorized by such committee. No member of the Senate and no member of the staff of the Senate shall disclose outside the Senate any information conveyed to the Senate in closed session or otherwise made available to members of the Senate in confidence by the Committee on Intelligence Activities, unless authorized by the Senate.

(b) The Committee on Intelligence Activities of the Senate shall refer to the Select Committee on Standards and Conduct of the Senate for investigation and other action (1) any disclosure outside the Committee on Intelligence Activities of the Senate, not authorized by such committee, of any information in the possession of or obtained by such committee relating to the activities of the Central Intelligence Agency or any other department or agency of the United States engaged in intelligence activities, or otherwise held in confidence by such committee; and (2) any disclosure outside the Senate, not authorized by the Senate, of any information conveyed to the Senate in closed session or otherwise made available to members of the Senate in confidence by the Committee on Intelligence Activities. The Select Committee on Standards and Conduct shall investigate any breach of confidentiality referred to it pursuant to this subsection and shall recommend appropriate action, such as censure or removal from office.

SEC. 8. (a) No person may be employed as a professional staff member of the Committee on Intelligence Activities of the Senate or be engaged by contract or otherwise to perform professional services for or at the request of such committee for a period totaling more than nine years.

(b) No employee of such committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless (1) such employee or person has agreed to be bound by the rules of the Senate and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) such employee or person has received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 9. The Committee on Intelligence of the Senate shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the Constitutional rights of such person or persons.

Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 10. (a) The Committee on Intelligence Activities of the Senate may, after full and considered consultation with appropriate officials of the Executive Branch, disclose any information received by it from the President or Vice President or any department or agency of the United States upon the committee's determination that the national interest would be served by such disclosure. In any case in which such committee decides to disclose any information

any information requested to be kept confidential by the President, Vice President, or the head of a department or agency, as the case may be, such committee shall notify the President to that effect. Such committee may disclose such information after the expiration of ten days following the day on which notice is transmitted to the President unless prior to the expiration of such ten day period the President submits a written certification to ^{the Senate through} such committee opposing such disclosure.

(b) If after timely receipt of a certification by the President made pursuant to subsection (a), the Committee on Intelligence Activities determines that such information should be disclosed, such committee shall refer the question of disclosure of such information to the Senate for such action as the Senate deems appropriate. Such information may not be disclosed unless (1) the Senate agrees to a resolution approving the disclosure of such information, or (2) the Senate agrees to a resolution referring the matter to the Committee on Intelligence Activities for final disposition, and the Committee on Intelligence Activities thereafter approves the disclosure of such information by majority vote.

(c) Any question referred to the Senate by the Committee on Intelligence Activities pursuant to subsection (b) shall be disposed by the Senate within three calendar days following the day on which the question is reported to the Senate, excluding days on which the Senate is not in session.

SEC. 11. The Committee on Intelligence Activities of the Senate is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 12. (a) Notwithstanding any other provision of law, it shall be the duty of the head of each department and agency of the United States to keep the Committee on Intelligence Activities of the Senate fully and currently informed with respect to intelligence activities which are the responsibility of or are planned, supervised, financed, or engaged in by such department or agency.

(b). Notwithstanding any other provision of law, it shall also be the duty of the head of any department or agency of the United States involved in any intelligence activities to furnish any information or document in its possession, custody, or control, or witness in its employ, whenever requested by the Committee on Intelligence Activities of the Senate with respect to any matter within such committee's jurisdiction.

SEC. 13 (a) No funds appropriated by an Act of Congress may be expended by or on behalf of any agency of the United States Government to carry out any intelligence activity unless such activity has been authorized by law.

(b) No funds may be appropriated for any fiscal year beginning after September 30, 1976, to or for the use of any department or agency of the United States to carry out any of the following activities unless such funds have been previously authorized to carry out such activity for such fiscal year;

- (1) The activities of the Central Intelligence Agency.
- (2) The activities of the Defense Intelligence Agency.
- (3) The activities of the National Security Agency.
- (4) The national intelligence activities carried out by the Department of Defense.
- (5) The intelligence activities of the Federal Bureau of Investigation.
- (6) The intelligence activities of any successor departments and agencies to those departments and agencies listed in clauses (1) through (5).

SEC. 14. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, 94th Congress, all records, files, documents, and other materials of such committee shall be transferred to the Committee on Intelligence Activities.

SEC. 15. As used in this Act --

(a) The term "national intelligence" means (1) the collection, analysis, production, dissemination, or use of information affecting the relations of the United States with foreign governments, and other activity which is in support of such information; (2) activities taken to counter similar activities directed against the United States; and (3) covert or clandestine activities affecting the relations of the United States with foreign governments. It does not include tactical or departmental intelligence serving no policy-making function.

(b) The term "domestic intelligence" means (1) the collection, analysis, production, dissemination, or use of information about those activities of persons within the United States, its territories and possessions, or American citizens abroad, which is, or may be, considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose a threat to the internal security of the United States; and (2) covert or clandestine activities directed against persons in the United States or American citizens abroad.

(c) The term "intelligence activities" means national intelligence activities and domestic intelligence activities.

SEC. 16. Nothing in this Act shall be construed as constituting an authorization for the conduct of any activity not otherwise authorized by law.

SEC. 17. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby.